

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

10:30 AM

**2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.**

**Chapter 7**

**#1.00** Cont'd hearing re: Tangshan Ayers Bath Equipment Co.'s motion to dismiss or, in the alternative, quash foremost groups motion to amend, for failure to serve Tangshan Ayers Bath Equipment Co.  
fr. 3/21/17

Docket 72

**Tentative Ruling:**

No updated tentative ruling as of 4/7/17. Appearances are required on 4/12/17.

No tentative ruling as of 3/20/17. Appearances are required on 3/21/17.

<b>Party Information</b>
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**Debtor(s):**

Ayers Bath (U.S.A.), Co.,Ltd.

Represented By  
Jeffrey S Renzi

**Trustee(s):**

Alfred H Siegel (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
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**Wednesday, April 12, 2017**

**Hearing Room 1675**

10:30 AM

**2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.**

**Chapter 7**

**#2.00** Cont'd hearing re: Motion of Foremost Group, Inc. to amend the judgment of the bankruptcy court to add Tangshan Ayers Bath Equipment Co. Ltd. as judgment debtor fr. 2/7/17, 3/21/17

Docket 66

**Tentative Ruling:**

No updated tentative ruling as of 4/7/17. Appearances are required on 4/12/17.

Prior tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/21/17.

Prior tentative ruling. Treat motion to amend judgment as a contested matter under FRBP 9014 and schedule pretrial and trial proceedings. As noted in California Civil Practice Business Litigation Section 5.29 (online Westlaw edition, October 2016 update), "[i]n order for the court to grant the motion, two requirements must be met: (1) the new party must be the alter ego of the old party, and (2) in order to satisfy the due process concerns, the new party must have controlled the litigation. Absent such control, the [alleged] alter ego is a true nonparty." *Id.*, citing inter alia, *Minton v. Cavaney*, 56 Cal.2d 576 (1961) and *In re Levander*, 180 F.3d 1114 (9th Cir. 1999). "Use of the procedure under [Cal.] Code Civ.Proc. [Section] 187 against an alter ego is limited by due process. The procedure is only proper if the alter ego defendant had control of the previous litigation and occasion to conduct it with a diligence corresponding to the risk of personal liability that was involved. Control of the litigation contemplates some active defense." *Id.*, citing *NEC Electronics Inc. v. Hurt*, 208 Cal.App.3d 772 (1989). It seems to the court that it will have to resolve the factual issue of litigation control which may require an evidentiary hearing. If there is no control, the motion should be denied for lack of personal jurisdiction, but if there is control and adequate proof of alter ego, then the motion should be granted. On this record, there is a colorable claim of control here since the debtor's bankruptcy schedules list the alleged alter ego as the 100% owner of debtor and the source of payment for fee of counsel who filed the bankruptcy petition for debtor (i.e., funding the debtor

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10:30 AM

CONT... **Ayers Bath (U.S.A.), Co.,Ltd.**

**Chapter 7**

subsidiary's bankruptcy to hinder, delay or defraud movant in its nonbankruptcy collection litigation might be plausibly found by a reasonable bankruptcy judge as the trier of fact to be "some active defense") as well as other indicia of control with officers acting in dual capacities for debtor and its parent, the alleged alter ego. At this point in the litigation, movant does not want to go through the formalities of service of process on the alleged alter ego as a foreign entity, and the court is not going to insist on that first, in that movant has a colorable claim of control to assert, which claim the court does not intimate any ruling on the merits since this is a contested matter for which the court should accord the alleged alter ego as the opposing party an opportunity to defend on the merits, including lack of personal jurisdiction, lack of control and lack of alter ego liability. Thus, the court will reserve ruling on the merits of the motion until the matter is fully and fairly litigated. Appearances are required on 2/7/17, but counsel may appear by telephone. Counsel for the parties should confer regarding their pretrial needs before the hearing if they can.

**Party Information**

**Debtor(s):**

Ayers Bath (U.S.A.), Co.,Ltd.

Represented By  
Jeffrey S Renzi

**Trustee(s):**

Alfred H Siegel (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

Wednesday, April 12, 2017

Hearing Room 1675

11:00 AM

**2:13-28484 Pasadena Adult Residential Care, Inc**

**Chapter 7**

**#3.00** Cont'd status conference re: New operator license  
fr. 1/11/17, 2/8/17

Docket 656

**Tentative Ruling:**

Updated tentative ruling as of 4/10/17. No tentative ruling on the merits.  
Appearances are required on 4/12/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits.  
Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed trustee's status report. No  
tentative ruling on the merits. Appearances are required on 1/11/17, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Pasadena Adult Residential Care, Inc

Represented By  
Hamid R Rafatjoo  
Joyce H Vega

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
Dawn A Messick  
Christopher Celentino  
Ballard Spahr LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**2:15-27143 Don P. Chairez and Maria J. Chairez**

**Chapter 11**

**#4.00** Status conference re: Management of chapter 11 case  
fr. TD

Docket 101

**Tentative Ruling:**

The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 4/12/17, but counsel may appear by telephone in accordance with the court's telephonic appearance procedures.

**Party Information**

**Debtor(s):**

Don P. Chairez

Represented By  
Jeffrey A Cogan  
Jeffrey A Cogan

**Joint Debtor(s):**

Maria J. Chairez

Represented By  
Jeffrey A Cogan

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#5.00** Hearing re: Motion for order approving debtor's stipulations with First Republic and Charles Schwab Banks for allowance and treatment of claims pursuant to FRBP 9019

Docket 220

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#6.00** Hearing re: Motion for order approving debtor's stipulation with the LA County Treasurer and Tax Collector for allowance and payment of pre-petition and administrative claims pursuant to FRBP 9019

Docket 235

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#7.00** Hearing re: Creditor CB Franchise System, LLC's motion for enforcement of settlement agreement

Docket 231

**\*\*\* VACATED \*\*\* REASON: Notice of withdrawal filed on 3/23/17-mb.**

**Tentative Ruling:**

Off calendar. Motion withdrawn by notice filed on 3/23/17. No appearances are necessary.

<b>Party Information</b>
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, April 12, 2017

Hearing Room 1675

11:00 AM

**2:16-15570 St Luke Baptist Church**

**Chapter 11**

**#8.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/19/16, 1/25/17, 2/15/17

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/10/17. No tentative ruling on the merits. Appearances are required on 4/12/17 to address when debtor will be submitting a proposed order for dismissal of the case, but counsel may appear by telephone.

Prior tentative ruling as of 2/13/17. The court has reviewed debtor's status report. If debtor is considering a "structured" dismissal, it will have to show that there are grounds sufficient to warrant deviation from the normal procedures expressly provided in the Bankruptcy Code, i.e., a liquidating plan, case conversion or straight dismissal without conditions, or whether more broadly, whether structured dismissals are permitted at all, which may be at issue before the Supreme Court in *In re Jevic Holding Corp.*, 787 F.3d 173 (3rd Cir. 2015), cert. granted, *Czyzewski v. Jevic Holding Corp.* 136 S.Ct. 2541 (2016). See also, Transcript of Oral Argument, *Czyzewski v. Jevic Holding Corp.*, No. 15-649 (S.Ct., argued December 7, 2016); see also, e.g., Salerno, Hansen, Meyer, Schuster and Barsharis, *Advanced Chapter 11 Bankruptcy Practice*, Section 12.22 (2nd ed. online, 2016 Cum. Supp.); Greenberg, Smith and Taylor, "The Elephant Hiding in the Mousehole": *In re Jevic*, 2016 No. 10 Norton Bankr. L. Adviser NL 1 (online ed., October 2016); Pernick and Dean, "Structured Chapter 11 Dismissals: A Viable and Growing Alternative After Asset Sales," 29 *Am. Bankr. Inst. J.* 1 (June 2010); Eitel, Tinker and Lambert, "Structured Dismissals, or Cases Dismissed Outside of Code's Structure?", 30 *Am. Bankr. Inst. J.* 20 (March 2011). Appearances are required on 2/15/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. The court has reviewed debtor's status report. Appearances are required on 1/25/17, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**CONT... St Luke Baptist Church**

**Chapter 11**

Prior tentative ruling as of 10/17/16. Appearances are required on 10/19/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/17/16. No tentative ruling on the merits. Appearances are required on 10/19/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/3/16. No tentative ruling on the merits. Appearances are required on 10/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/2/16. No tentative ruling on the merits. Appearances are required on 9/6/16, but counsel may appear by telephone.

Prior tentative ruling as of 8/8/16. No tentative ruling on the merits. Appearances are required on 8/10/16, but counsel may appear by telephone.

Prior tentative ruling as of 7/18/16. No tentative ruling on the merits. Appearances are required on 7/21/16.

Prior tentative ruling as of 7/12/16. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 7/13/16.

Prior tentative ruling as of 6/16/16. Appearances are required on 6/17/16, but counsel may appear by telephone.

Prior tentative ruling. The status conference will be conducted on the 11:30 a.m. calendar with the hearing on the motion of the United States Trustee to dismiss, convert or appoint trustee. Impose sanctions of \$250 against debtor and counsel for failure to file a timely written status report as set forth in the court's order filed on 4/29/16 (ECF 2), or dismiss the case for lack of prosecution for this reason.

Appearances are required on 6/15/16 at 11:30 a.m. No appearances are required at 11:00 a.m.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**CONT... St Luke Baptist Church**

**Chapter 11**

**Debtor(s):**

St Luke Baptist Church

Represented By  
Michele A Dobson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**2:16-22120 Trifecta Fit Sport, LLC**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/2/16, 11/16/16, 2/15/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case dismissed per order entered on  
2/16/17; Case closed on 3/13/17-mb.**

**Tentative Ruling:**

Off calendar. Status conference is moot since case was dismissed on  
2/16/17. No appearances are necessary.

**Party Information**

**Debtor(s):**

Trifecta Fit Sport, LLC

Represented By  
Clifford Bordeaux

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**2:16-24758 Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

**#10.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/4/17, 1/11/17

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/10/17. No tentative ruling on the merits.  
Appearances are required on 4/12/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 1/11/17, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Swing House Rehearsal and

Represented By  
Kurt Ramlo

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 11**

**#11.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/4/17, 1/11/17

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/10/17. No tentative ruling on the merits.  
Appearances are required on 4/12/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 1/11/17, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**2:16-25844 Essential Living Foods, Inc.**

**Chapter 11**

**#12.00** Hearing re: Debtor's motion to convert case under 11 U.S.C. §§706(a) or 1112(a)

Docket 98

**Tentative Ruling:**

Grant debtor's motion to convert to Chapter 7 pursuant to 11 U.S.C. 1112(a) since debtor is not disqualified from converting under that provision and there is no timely written opposition to the motion. Appearances are required on 4/12/17, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Essential Living Foods, Inc.

Represented By  
James R Selth  
Elaine Nguyen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**2:16-25844 Essential Living Foods, Inc.**

**Chapter 11**

**#13.00** Hearing re: First and final application for allowance of fees and reimbursement of expenses of Weintraub & Selth, APC

Docket 87

**Tentative Ruling:**

The court is not inclined to review and approve the fee application of counsel for debtor on a final basis since the case is likely to be converted to Chapter 7 and subject to the provisions of Local Bankruptcy Rule 2016-1(c)(4) that final fee applications of professionals in a Chapter 7 case be set for hearing with the Chapter 7 trustee's final application for allowance and payment of fees and expenses. Appearances are required on 4/12/17, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Essential Living Foods, Inc.

Represented By  
James R Selth  
Elaine Nguyen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:00 AM

**2:16-25844 Essential Living Foods, Inc.**

**Chapter 11**

**#14.00** Hearing re: First and final fee application for allowance of fees of Hiramatsu & Associates, Inc., as financial consultant to debtor

Docket 86

**Tentative Ruling:**

The court is not inclined to review and approve the fee application of financial consultant for debtor on a final basis since the case is likely to be converted to Chapter 7 and subject to the provisions of Local Bankruptcy Rule 2016-1(c) (4) that final fee applications of professionals in a Chapter 7 case be set for hearing with the Chapter 7 trustee's final application for allowance and payment of fees and expenses. Appearances are required on 4/12/17, but counsel and applicant may appear by telephone.

**Party Information**

**Debtor(s):**

Essential Living Foods, Inc.

Represented By  
James R Selth  
Elaine Nguyen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 12, 2017**

**Hearing Room 1675**

11:30 AM

**2:17-10698 Notesettlors LLC**

**Chapter 7**

**#15.00** Hearing re: Order to show cause why case should not be dismissed pursuant to Local  
Bankruptcy Rule 9011-2(a)

Docket 11

**Tentative Ruling:**

No tentative ruling as of 4/10/17. Appearances are required on 4/12/17.

<b>Party Information</b>
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**Debtor(s):**

Notesettlors LLC

Pro Se

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, April 12, 2017

Hearing Room 1675

2:00 PM

**2:05-39946 ARSHAG J MINELIAN**

**Chapter 7**

Adv#: 2:13-02021 Shannahan v. Minelian et al

**#16.00** Hearing re: Closing argument for the trial re third amended complaint for non-dischargeability for: debts incurred through false pretenses, false representation or actual fraud under 11 U.S.C.  
§ 523(a)(2)(A)

Docket 138

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/12/17 to 4/19/17 at 2:00 p.m.  
per stip & order entered on 3/27/17-st**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 4/19/17 at 2:00 p.m. No appearances are required on 4/12/17.

**Party Information**

**Debtor(s):**

ARSHAG J MINELIAN

Represented By  
Mark M Sharf

**Defendant(s):**

Arshag J Minelian

Represented By  
James R Felton  
Yi S Kim

Arshag J Minelian

Represented By  
Yi S Kim

**Plaintiff(s):**

Michael Shannahan

Represented By  
Ronald P Slates  
James Bulger  
Daren M Schlecter

**Trustee(s):**

David L Ray (TR)

Pro Se